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The following Act was passed by Parliament on 2 November 2020 and assented to by the President on 25 November 2020:—

REPUBLIC OF SINGAPORE

No. 40 of 2020.

I assent.



HALIMAH YACOB,
President.
25 November 2020.

An Act to amend the Personal Data Protection Act 2012 (Act 26 of 2012) and to make consequential and related amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Personal Data Protection (Amendment) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. Section 2(1) of the Personal Data Protection Act 2012 (called in this Act the principal Act) is amended —

(a) by deleting the definitions of “Appeal Committee” and “Appeal Panel” and substituting the following definitions:

““Appeal Committee” means a Data Protection Appeal Committee constituted under section 48P(4), read with the Seventh Schedule;

“Appeal Panel” means the Data Protection Appeal Panel established by section 48P(1);”;

(b) by inserting, immediately after the definition of “data intermediary”, the following definition:

““derived personal data” —

(a) means personal data about an individual that is derived by an organisation in the course of business from other personal data, about the individual or another individual, in the possession or under the control of the organisation; but

(b) does not include personal data derived by the organisation using any prescribed means or method;”;

(c) by deleting the words “Fourth Schedule” in the definition of “prescribed healthcare body” and substituting the words “Second Schedule”;

- (d) by deleting the words “section 21(4) and the Fourth Schedule” in the definition of “prescribed law enforcement agency” and substituting the words “sections 21(4) and 26D(6) and the Second Schedule”; and
- (e) by deleting the full-stop at the end of the definition of “tribunal” and substituting a semi-colon, and by inserting immediately thereafter the following definitions:
 - ““user activity data”, in relation to an organisation, means personal data about an individual that is created in the course or as a result of the individual’s use of any product or service provided by the organisation;
 - “user-provided data”, in relation to an organisation, means personal data provided by an individual to the organisation.”.

Amendment of section 4

3. Section 4 of the principal Act is amended —

- (a) by deleting the words “Parts III to VI” in subsections (1) and (6)(a) and (b) and substituting in each case the words “Parts III, IV, V, VI, VIA and VIB”;
- (b) by deleting paragraph (c) of subsection (1) and substituting the following paragraph:
 - “(c) any public agency; or”;
- (c) by deleting the words “Parts III to VI (except for section 24 (protection of personal data) and section 25 (retention of personal data))” in subsection (2) and substituting the words “Parts III, IV, V, VI (except sections 24 and 25), VIA (except sections 26C(3)(a) and 26E) and VIB”; and
- (d) by deleting the words “Parts III to VI” in subsection (5) and substituting the words “Parts III, IV, V, VI and VIA”.

Amendment of heading to Part III

4. Part III of the principal Act is amended by inserting, immediately after the words “PROTECTION OF” in the Part heading, the words “AND ACCOUNTABILITY FOR”.

Amendment of section 11

5. Section 11 of the principal Act is amended by inserting, immediately after subsection (5), the following subsection:

“(5A) Without limiting subsection (5), an organisation is deemed to have satisfied that subsection if the organisation makes available the business contact information of any individual mentioned in subsection (3) in any prescribed manner.”.

Amendment of section 15

6. Section 15 of the principal Act is amended by inserting, immediately after subsection (2), the following subsections:

“(3) Without limiting subsection (2) and subject to subsection (9), an individual (*P*) who provides personal data to an organisation (*A*) with a view to *P* entering into a contract with *A* is deemed to consent to the following where reasonably necessary for the conclusion of the contract between *P* and *A*:

- (a) the disclosure of that personal data by *A* to another organisation (*B*);
- (b) the collection and use of that personal data by *B*;
- (c) the disclosure of that personal data by *B* to another organisation.

(4) Where an organisation collects personal data disclosed to it by *B* under subsection (3)(c), subsection (3)(b) and (c) applies to the organisation as if the personal data were disclosed by *A* to the organisation under subsection (3)(a).

(5) Subsections (3) and (4) apply to personal data provided before the applicable date by an individual to an organisation

with a view to the individual entering into a contract with the organisation —

- (a) on or after the applicable date; or
- (b) which contract was entered into before the applicable date and remains in force on that date,

as if subsections (3) and (4) —

- (c) were in force when the personal data was so provided; and
- (d) had continued in force until the applicable date.

(6) Without limiting subsection (2) and subject to subsection (9), an individual (*P*) who enters into a contract with an organisation (*A*) and provides personal data to *A* pursuant or in relation to that contract is deemed to consent to the following:

- (a) the disclosure of that personal data by *A* to another organisation (*B*), where the disclosure is reasonably necessary —
 - (i) for the performance of the contract between *P* and *A*; or
 - (ii) for the conclusion or performance of a contract between *A* and *B* which is entered into at *P*'s request, or which a reasonable person would consider to be in *P*'s interest;
- (b) the collection and use of that personal data by *B*, where the collection and use are reasonably necessary for any purpose mentioned in paragraph (a);
- (c) the disclosure of that personal data by *B* to another organisation, where the disclosure is reasonably necessary for any purpose mentioned in paragraph (a).

(7) Where an organisation collects personal data disclosed to it by *B* under subsection (6)(c), subsection (6)(b) and (c) applies to